

To: Lynn M. Jordan(docketing@kelly-ip.com)
Subject: U.S. Trademark Application Serial No. 97833688 - HEDGEHOG - 10210.3772
Sent: December 04, 2023 11:19:31 AM EST
Sent As: tmng.notices@uspto.gov

Attachments

[97122034](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97833688

Mark: HEDGEHOG

Correspondence Address:

LYNN M. JORDAN
KELLY IP, LLP
1300 19TH STREET, NW
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WASHINGTON DC 20036
UNITED STATES

Applicant: Fox Media LLC

Reference/Docket No. 10210.3772

Correspondence Email Address: docketing@kelly-ip.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: December 4, 2023

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Summary of Issues

- Prior-Filed Application(s)
- Identification Of Goods Requires Amendment

Prior-Filed Application(s)

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting registered marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02. However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

The filing date of pending U.S. Application Serial No. 97122034 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Applicant must also respond to the requirement(s) set forth below.

Identification Of Goods Requires Amendment

The wording in the identification of goods is overbroad and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Specifically, the Class 9 software is overbroad for failing to indicate whether the software is downloadable or non-downloadable.

If accurate, and inserting specific information where directed, the applicant may adopt any or all of the following identifications of goods. Additions are in **bold**. *See* TMEP §1402.01.

International Class 009: **Downloadable** computer application software for mobile phones and handheld computers, namely, software that allows registered users to access news content, participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the field of current events; **Downloadable** software that allows users to earn badges and points for participation

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). *See* TMEP §1402.04.

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Amit Shoor/
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Examining Attorney
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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#) are not accepted and can cause the application to [abandon](#).** If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

HEDGEHOG

Word Mark

HEDGEHOG

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IC 009 US 026 038 036 021 023

Downloadable software for creating stored value accounts; Downloadable software for managing third party stored value accounts; Downloadable software for use as a digital currency and crypto currency wallet; Downloadable software for managing third party digital currency and crypto currency wallets; Downloadable software for purchasing, selling, and trading digital currencies, crypto currencies, securities, commodities, futures, and equity interests; Downloadable software for managing third party accounts for purchasing, selling, and trading digital currencies, crypto currencies, securities, commodities, futures, and equity interests; Downloadable software for tracking and researching digital currency, crypto currency, and equity interest prices and values; Downloadable software for allowing users to tracking and researching digital currency, crypto currency, and equity interest prices and values via third party services; Downloadable software for tax management, specifically for the purpose of identifying potential tax savings from Specific Share Identification reporting; Downloadable software for providing automated, algorithmically generated advice concerning the purchasing, selling, and trading digital currencies, crypto currencies, securities, commodities, futures, and equity interests; Downloadable software for sending and accepting financial, digital currency, and crypto currency payments and transactions; Downloadable software for allowing users to send and accept financial, digital currency, and crypto currency payments and transactions via third party services; Downloadable financial, investment advisor, and private equity consultant software for providing automated, algorithmically generated advice concerning the purchasing, selling, and trading digital currencies, crypto currencies, securities, commodities, futures, and equity interests.

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IC 036 US 102 100 101

Providing an internet website portal in the fields of finance, digital currency, crypto currency, to allow users to view price information and to purchase and trade digital currencies, crypto currencies, securities, commodities, futures, and equity interests; Financial, investment advisor, and private equity consultant services.

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Goods/Services

IC 042 US 100 101

Software as a service (SAAS) services featuring software for creating stored value accounts; Software as a service (SAAS) services featuring software for allowing users to process and manage stored value accounts offered by third party providers; Software as a service (SAAS) services featuring software for use as a digital currency and crypto currency wallet; Software as a service (SAAS) services featuring software for allowing users to process and manage third party digital currency and crypto currency wallets; Software as a service (SAAS) services featuring software for purchasing, selling, and trading currencies and crypto currencies; Software as a service (SAAS) services featuring software for managing third party accounts for purchasing, selling, and trading digital currencies, crypto currencies, securities, commodities, futures, and equity interests; Software as a service (SAAS) services featuring software for tracking and researching digital currency, crypto currency, and equity interest prices and values; Software as a service (SAAS) services featuring software for allowing users to track and research digital currency, crypto currency, and equity interest prices and values via third party services; Software as a service (SAAS) services featuring software for the purpose of identifying potential tax savings from Specific Share Identification reporting; Software as a service (SAAS) services featuring software for providing automated, algorithmically generated advice concerning the purchasing, selling, and trading digital currencies, crypto currencies, securities, commodities, futures, and equity interests; Software as a service (SAAS) services featuring software for sending and accepting financial, digital currency, and crypto currency payments and transactions; Software as a service (SAAS) services featuring software for allowing users to send and accept financial, digital currency, and crypto currency payments and transactions via third party services; Software as a service (SAAS) services featuring financial, investment advisor, and private equity consultant software for providing automated, algorithmically generated advice concerning the purchasing, selling, and trading digital currencies, crypto currencies, securities, commodities, futures, and equity interests.

Register PRINCIPAL

Serial Number 97122034

Filing Date 2021-11-12T00:00:00

Original Filing Basis

- 1a
- 1b

Current Filing Basis

- 1a
- 1b

Owner (APPLICANT) Hedgehog Technologies, Inc. (CORPORATION;
DELAWARE, USA); 3755 Cherrywood Avenue, Los Angeles, CALIFORNIA
90018, UNITED STATES

Type of Mark	<ul style="list-style-type: none"> • TRADEMARK • SERVICE MARK
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Live Dead Indicator	LIVE
Status	RESPONSE AFTER NON-FINAL ACTION - ENTERED
Attorney of Record	Benjamin A. Costa

Print: December 4, 2023 11:15 AM

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on December 4, 2023 for
U.S. Trademark Application Serial No. 97833688

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.